

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

DESTINY ANAYA
Plaintiff

VS.

SERGIO H. ENRIQUEZ, URS MIDWEST,
INC., URS MIDWEST, INC. D/B/A
UNITED ROAD, AND UNITED ROAD
Defendant

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CIVIL ACTION NO. 5:22-cv-401

**DEFENDANT URS MIDWEST, INC., URS MIDWEST, INC. D/B/A UNITED ROAD
AND UNITED ROAD'S NOTICE OF REMOVAL**

TO THE HONORABLE UNITED STATES DISTRICT COURT:

Defendant(s), **URS Midwest, Inc. URS Midwest, Inc. d/b/a United Road, and United Road** (hereinafter "Defendant") pursuant to 28 U.S.C. §1332, §1441 and §1446, files this Notice of Removal to the United States District Court for the Western District of Texas, San Antonio Division, and respectfully show the Court the following:

I. PROCEDURAL BACKGROUND

1. On August 26, 2021, Plaintiff Destiny Anaya filed her Original Petition styled *Destiny Anaya v. Sergio H. Enriquez, URS Midwest, Inc., URS Midwest, Inc. d/b/a United Road, and United Road* in the 131st Judicial District Court of Bexar County, Texas, originally pending as Cause No. 2021CI17641.¹

2. The Citation reflects that Defendant was served with Plaintiff's Original Petition and Citation on April 12, 2022.²

¹ See Exh. 1 – Plaintiff's Original Petition

² See Exh. 2 – Citation

3. Plaintiff claims that she suffered personal injuries after being involved in a motor vehicle accident with a truck operate by Sergio H. Enriquez.

4. This Notice of Removal is being filed within 30 days of service upon Defendant and is therefore timely under 28 U.S.C. §1446(b). *See Murphy Bros. v. Michetti Pipe Stringing Inc.*, 526 U.S. 344, 347-48 (1999) (notice of removal is timely under 28 U.S.C §1446(b) if filed within 30 days after service of the complaint).

5. This United States District Court for the Western District of Texas, San Antonio Division, is the district and division embracing the place where such action is pending. *See* 28 U.S.C. §103(4). Defendant consents to this removal to the United States District Court for the Western District of Texas, San Antonio Division. 28 U.S.C. §1446(b)(2)(A).

6. Defendant, concurrently with the filing of this petition, has given written notice of the filing of this Notice of Removal to all parties of record and to the Clerk of the District Court in Bexar County, Texas.

7. Pursuant to 28 U.S.C. §1446(a), copies of all process, pleadings, orders and other filings in the state court suit are attached to this Notice of Removal and are incorporated herein by reference.³

8. Defendant expressly reserves the right to raise all defenses and objections to Plaintiff's claims or to otherwise plead after the action is removed to this Honorable Court.

II. REMOVAL BASED ON DIVERSITY JURISDICTION

9. This Court has jurisdiction based on 28 U.S.C. §1332(a)(1) in that “the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between ... citizens of different States.”

³ See Exh.3—State Court filings

(a) Amount in Controversy

10. Plaintiff seeks recovery of damages in the form of monetary relief “over \$250,000.00 but not more than \$1,000,000.00.”¹ As such, the amount in controversy is greater than \$75,000.00. *See* 28 U.S.C. §1446(c)(2).

(b) Diversity of Citizenship

11. This Court has subject matter jurisdiction over this action because Plaintiff’s citizenship is diverse from the citizenship of Defendant, thereby satisfying the requirements of 28 U.S.C. §1332.

12. Plaintiff, Destiny Anaya, has plead that she “is an individual residing in Bexar County, Texas.” Thus, she is a citizen of the State of Texas.

13. “A corporation shall be deemed to be a citizen of every State and foreign state by which it has been incorporated and of the State of foreign state where it has its principal place of business.” 28 U.S.C. §1332(c)(1). URS Midwest, Inc. d/b/a United Road is a foreign company incorporated under the laws of the State of Delaware.⁴ At the time of the incident that gives rise to this claim and continuing to the current date, URS Midwest, Inc. d/b/a United Road’s principal place of business is in Plymouth, Michigan.⁴ Thus, URS Midwest, Inc. d/b/a United Road is a citizen of the State of Michigan. Even though Plaintiff has named as Defendants URS Midwest, Inc., URS Midwest, Inc. d/b/a United Road and United Road, these are all the same entity—URS Midwest, Inc. d/b/a United Road.⁴

14. Because Plaintiff is a citizen of Texas and the named Defendant(s) were, at the time of the incident that gives rise to this lawsuit, and currently are citizens of Michigan and incorporated under the laws of Delaware, there is complete diversity among the parties. Since

⁴ *See* Exh. 4--Affidavit of Charles Baxter

complete diversity of citizenship exists and an amount in controversy in excess of \$75,000.00, exclusive of interests and costs, this Court has original jurisdiction over this action. *See* 28 U.S.C. § 1332(a). As a result, this action is removable pursuant to 28 U.S.C. § 1441(a).

III. JURY DEMAND

15. Defendant(s) URS Midwest, Inc., URS Midwest, Inc. d/b/a United Road and United Road demand a jury on all triable issues pursuant to Federal Rules of Civil Procedure 38 and 81(c).

WHEREFORE, Defendant(s), URS Midwest, Inc., URS Midwest, Inc. d/b/a United Road and United Road, pray that this Court accept this Notice of Removal for filing in accordance with the provisions of 28 U.S.C. § 1441, *et. seq.*, and grant all other relief to which they are justly entitled.

Respectfully submitted,

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CERTIFICATE OF SERVICE

In compliance with the Federal Rules of Civil Procedure, I, Harold L. Buddy Socks, certify that on this **25th** day of **April 2022**, a true and correct copy of the foregoing document filed electronically with the clerk of the Court in accordance with the Federal Rules of Civil Procedure, is served on the party or attorney electronically pursuant to the Federal Rules of Civil Procedure, or if the email address of the party or attorney is not on file with the electronic filing manager then service is accomplished pursuant to the Federal Rules of Civil Procedure.

The following parties or attorney(s) are served with the foregoing document:

VIA E-FILE &/OR EMAIL

Mr. Ron Salazar
Davis Law Firm
10500 Heritage Blvd., Suite 102
San Antonio, Texas 78216

Karl S. Furmaga

Karl S. Furmaga

EXHIBIT INDEX

Exhibit 1 – Plaintiff’s Original Petition

Exhibit 2 – Citations

Exhibit 3 – State Court Filings

Exhibit 4 – Affidavit of Charles Baxter